

Introduced by Senator Yee

February 25, 2009

An act to amend Section 9875.1 of the Business and Professions Code, and to amend Section 27317 of the Vehicle Code, relating to motor vehicle insurance.

LEGISLATIVE COUNSEL'S DIGEST

SB 350, as introduced, Yee. Motor vehicle insurance: automobile repairs: restraint systems.

Existing law prohibits an insurer from requiring the use of nonoriginal equipment manufacturer aftermarket crash parts in the repair of an insured's motor vehicle unless the insured is advised in a written estimate before repairs are made that nonoriginal equipment manufacturer aftermarket crash parts will be used.

This bill would, in addition to the advisement, prohibit the use of the nonoriginal equipment manufacturer aftermarket crash parts unless the parts are also at least of like kind and quality to the parts being replaced, as specified.

Existing law makes it a misdemeanor for any person to install or reinstall for compensation any previously deployed air bag that is part of an inflatable restraint system if the person knew that the air bag had been previously deployed.

This bill would, in addition, make it a misdemeanor for any person to install or reinstall for compensation any previously damaged air bag that is part of an inflatable restraint system if the person knew that the air bag had been previously damaged. This bill would also make it a misdemeanor for any person who has actual knowledge that the airbag portion of an inflatable restraint system has been previously deployed

or damaged to cause another person to fail to fully restore, arm, and return the airbag to original operating condition, as specified.

Because this bill would expand the definition of an existing crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 9875.1 of the Business and Professions
2 Code is amended to read:

3 9875.1. ~~No~~An insurer shall *not* require the use of nonoriginal
4 equipment manufacturer aftermarket crash parts in the repair of
5 an insured's motor vehicle, unless *the aftermarket crash parts are*
6 *at least of like kind and quality to the part being replaced in terms*
7 *of fit, function, and finish. Aftermarket replacement crash parts*
8 *certified to meet the standards set by an American National*
9 *Standards Institute (ANSI) recognized entity shall be presumed to*
10 *be at least of like kind and quality as the part being replaced in*
11 *terms of fit, function, and finish. The insurer shall advise the*
12 ~~consumer is advised~~ in a written estimate of the use of nonoriginal
13 equipment manufacturer aftermarket crash parts before repairs are
14 made. In all instances where nonoriginal equipment manufacturer
15 aftermarket crash parts are intended for use by an insurer:

16 (a) The written estimate shall clearly identify each such part
17 with the name of its nonoriginal equipment manufacturer or
18 distributor.

19 (b) A disclosure document containing the following information
20 in 10-point type or larger type shall be attached to the insured's
21 copy of the estimate: "This estimate has been prepared based on
22 the use of crash parts supplied by a source other than the
23 manufacturer of your motor vehicle. Any warranties applicable to
24 these replacement parts are provided by the manufacturer or
25 distributor of the parts, rather than by the original manufacturer
26 of your vehicle."

1 SEC. 2. Section 27317 of the Vehicle Code is amended to read:

2 27317. ~~Any~~ A person who *has actual knowledge that the airbag*
3 *portion of an inflatable restraint system has been previously*
4 *deployed or damaged and who* installs or reinstalls for
5 compensation, or who distributes or sells any previously deployed
6 *or damaged* air bag that is part of an inflatable restraint system,
7 *or who causes another person to fail to fully restore, arm, and*
8 *return the airbag to original operating condition* ~~if the person~~
9 ~~knows that the air bag has been previously deployed~~, is guilty of
10 a misdemeanor punishable by a fine of five thousand dollars
11 (\$5,000) or by confinement in the county jail for one year or by
12 both that fine and confinement.

13 SEC. 3. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.